

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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|----------------------------|---|-------------------|
| JON R. ADAMS, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | 1:19-cv-00547-GZS |
| |) | |
| MATTHEW MAGNUSSON, et al., |) | |
| |) | |
| Defendants |) | |

**RECOMMENDED DECISION ON PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff moves for summary judgment on the issue of whether he exhausted the available administrative remedies before he commenced this action. (Motion, ECF No. 17.) Defendants maintain the motion is premature and ask the Court to deny the motion without prejudice. (Response, ECF No. 19.)

On Defendants' motion, and without objection from Plaintiff, on May 28, 2020, the Court stayed further proceedings in this matter, and required Defendants to file a status report in September 2020. (Order, ECF No. 39.) The Court subsequently ordered Defendants to file additional status reports. (Orders, ECF Nos. 43, 47.) Upon review of the most recent status report, the Court lifted the stay and established June 30, 2021, as the date by which the parties must complete discovery. (Procedural Order, ECF No. 52.)

Because the stay has prevented the parties from conducting discovery, Defendants' request that the Court deny the motion without prejudice in order to permit Defendants the

opportunity to investigate through discovery the merit of any exhaustion defense is reasonable. Accordingly, I recommend the Court deny Plaintiff's motion for partial summary judgment without prejudice to Plaintiff's ability to renew the motion after the completion of discovery.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court's order.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 25th day of January, 2021.